

**ORIGINAL**

**STATE OF ILLINOIS**  
**ILLINOIS COMMERCE COMMISSION**  
**STIPULATED AGREEMENT NO. 1098**

T04-0057

This agreement made and entered into, by and between the State of Illinois acting by and through the Illinois Commerce Commission ("COMMISSION"), the Illinois Central Railroad Company ("COMPANY"), Union County ("COUNTY"), and the State of Illinois, Department of Transportation ("DEPARTMENT").

**WITNESSETH:**

WHEREAS, it has come to the attention of the Commission through informal correspondence that inquiry should be made into the matter of improving public safety at the Cheshire Road/TR154 highway-rail grade crossing of the Company's track near Dongola, Union County, Illinois, designated as crossing AAR/DOT 229 039G, milepost 334.80-M; and

WHEREAS, proper investigation has been made of the circumstances surrounding the aforesaid crossing by a representative of the Commission's Transportation Division Railroad Section; and

WHEREAS, the physical aspects, including geometrics of the intersection, train movements, vehicular traffic volume, and sight distances and other pertinent data relating to the crossing have been obtained and shown on Exhibit A, attached to the Agreement; and

WHEREAS, the parties are mutually agreeable to accomplish the proposed improvements upon a determination of the Commission by Order.

NOW, THEREFORE in consideration of the premises and of the mutual covenants and agreements as hereinafter contained the parties pray that the Commission enter an Order according to the provisions of Section 18c-7401 of the Illinois Commercial Transportation Law requiring that certain improvements as hereinafter stated be made and that the cost for the proposed improvements be divided among the parties according to law and that in the interest of the statewide traveling public the Grade Crossing Protection Fund of the Motor Fuel Tax Law be required to bear a substantial portion of the cost; To Wit the parties agree as follows:

Section 1 All improvements encompassed by this Agreement shall be made in accordance with all applicable State laws, rules, standards, regulations and orders and procedures in general.

**DOCKETED**

Section 2 The parties are of the opinion that the proper improvements in the interest of public safety at the aforesaid crossing should be:

- (a) The installation of automatic flashing light signals and gates controlled by constant warning time circuitry.
- (b) The installation of temporary STOP signs (if ordered) at the Cheshire Road crossing within 30 days of receipt of a Commission Order for the installation of new automatic warning devices.

Section 3 The Company has prepared a preliminary estimate of cost to accomplish the proposed improvements, which it may be required to perform. Said estimate is attached as Exhibit B. The Company shall upon Order, according to the requirements contained therein, prepare detailed drawings, detailed circuit plans, estimates of cost and any required specifications for the proposed improvements for the approval of the Commission and Department.

Section 4 The Company shall upon Order, according to the requirements contained therein, proceed toward the completion of the proposed improvements, accomplishing the work with its own forces or appropriate contracted services and agrees that an appropriate time for the submission of plans should be 120 days and for the completion of the proposed improvements should be twelve (12) months, from the date of Commission Order subsequent to this Agreement.

Section 5 The parties hereto agree that an equitable division of cost for the proposed improvements should be:

- (a) The cost for the improvements listed in Section 2(a) is estimated to be \$168,650. The Grade Crossing Protection Fund should pay 85% of the actual installation cost, not to exceed \$143,353. The County should pay 10% of the actual installation cost, not to exceed \$16,865. The Company should pay any remaining installation costs, as well as all future operating and maintenance costs. (See Exhibit B)
- (b) The Company should pay 100% of the cost to install and maintain temporary STOP signs (if ordered) at the subject crossing.

Section 6 The County is financially able and willing to bear an equitable portion of the cost for the proposed improvements as may be assigned by the Order and indicates this intent by Resolution attached as Exhibit C.

Section 7      Special Provisions:

Since the warning device improvement at the subject crossing will be performed by railroad crews, no flagging or contractor liability insurance will be required for said work.

The Commission should grant a variance from the grade requirements of 92 Illinois Administrative Code Part 1535.204 to the Township, and the Township should be allowed to maintain the highway approaches to the existing grades (See Exhibit A, page 2). The local topography makes the improvement of the approaches cost prohibitive.

The Company shall, at six (6) month intervals from the date of Commission Order subsequent to this Agreement, submit to the Director of Processing and Information, Transportation Bureau of the Commission, a written report stating the progress it has made toward completion of the work herein required. Each progress report shall include the Commission Order number, the Order date, the project completion date as noted in the Order, crossing information (inventory number and railroad milepost), type of improvement, and the name, title, mailing address, phone number, facsimile number, and electronic mailing address of Company employee responsible for management of the project.

All bills for expenditures authorized for reimbursement from the Grade Crossing Protection Fund shall be submitted to the Fiscal Control Unit of the Illinois Department of Transportation's Bureau of Local Roads and Streets, Illinois Department of Transportation, Central Bureau of Local Roads and Streets, Room 205, 2300 South Dirksen Parkway, Springfield, Illinois 62764. The Department shall send a copy of all bills to the Director of Processing and Information, Transportation Division of the Commission. The final bill for expenditures from each party shall be clearly marked "Final Bill". All bills shall be submitted no later than twenty-four (24) months from the date of Commission Order subsequent to this Agreement. The Department shall, at the end of the 24<sup>th</sup> month from the Commission Order date, de-obligate all residual funds accountable for installation cost for this project.

Public Act 93-0604 (effective November 21, 2003), which amends 18c-7401 (Safety Requirements for Track, Facilities, and Equipment) of the Illinois Commercial Transportation Law, requires installation of temporary STOP signs whenever the Commission authorizes the installation of automatic flashing light signals or automatic flashing light signals and gates at public highway-rail grade crossings. The temporary STOP signs shall remain in place until the luminous flashing signal or crossing gate devices have been installed. The rail carrier is responsible for the cost of the installation and subsequent maintenance of any required temporary STOP signs.

625 ILCS 5/18c-1701 and 1704 require each "person", as defined by Section 18c-1104, to comply with every regulation or order of the Commission. These sections further provide that any person who fails to comply with a Commission regulation or order shall forfeit to the state not more than \$1,000 for each such failure, with each day's continuance of the violation being considered a separate offense. While the Commission expects the parties to comply with this Order in all matters addressed herein and in a timely manner, the Commission advises the parties that any failure to comply may result in the assessment of such sanctions.

Section 8 This Agreement shall be binding upon the parties hereto, their successors or assigns. Upon execution of this Agreement by all parties, the Commission shall enter an appropriate order, within 60 days accepting or rejecting such stipulation according to the provisions contained herein.

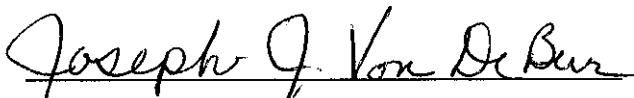
In Witness Whereof, the parties have caused this Agreement to be executed by their duly authorized officers, as of the dates indicated herein.

Executed by the Commission this **3rd** day of **May, 2004**.



Michael E. Stead  
Rail Safety Program Administrator

Attest:



Joseph J. VonDeBur  
Railroad Safety Specialist

Illinois Commerce Commission Stipulated Agreement No. 1098 concerning improvements at the Cheshire Road/TR154 grade crossing of the Illinois Central Railroad Company tracks near Dongola, Union County, Illinois, designated as crossing AAR/DOT 299 039G, milepost 334.80-M.

Executed by the COUNTY this 17 day of May 2004.

UNION COUNTY

By: Bill L. Boyd Jr.  
Union County Engineer

Attest:

Bobby Foler Jr.

RECEIVED  
MAY 20 2004

Illinois Commerce Commission  
RAIL SAFETY SECTION

Illinois Commerce Commission Stipulated Agreement No. 1098 concerning improvements at the Cheshire Road/TR154 grade crossing of the Illinois Central Railroad Company tracks near Dongola, Union County, Illinois, designated as crossing AAR/DOT 299 039G, milepost 334.80-M.

Executed by the Company this 18<sup>th</sup> day of MAY 2004.

ILLINOIS CENTRAL RAILROAD COMPANY

By: Paul E. Ladner

REGION DIRECTOR CONTRACTS & ADMINISTRATION

Attest:

Sean Ginn

APPROVE AS TO FORM:

~~REAL ESTATE~~  
ENGINEERING JWA  
ACCOUNTING [Signature]  
LAW [Signature]  
EXECUTION  
LAW [Signature]

I. C. R. R. CO. - ORIGINAL

Illinois Commerce Commission Stipulated Agreement No. 1098 concerning improvements at the Cheshire Road/TR154 grade crossing of the Illinois Central Railroad Company tracks near Dongola, Union County, Illinois, designated as crossing AAR/DOT 299 039G, milepost 334.80-M.

Executed by the Department this 7th day of June 2004.

STATE OF ILLINOIS  
DEPARTMENT OF TRANSPORTATION

By: Victor A. Moolenaar  
Director of Highways

**ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT  
CROSSING DATA FORM**

**GENERAL INFORMATION:** See Location Sketch

<b>RAILROAD</b>	Illinois Central Railroad Company
<b>USDOT#, MILEPOST</b>	299 039G
<b>STREET, CITY, COUNTY</b>	Cheshire Road/TR154, near Dongola, Union County
<b>JURISDICTION (RDWY)</b>	Union County
<b>LOCATION</b>	Rural, Agricultural, Residential
<b>STREET SURFACE</b>	15 Ft. Wide, 2-Lane, 2-Way, Oil & Chip Roadway

**CROSSING DATA:** See Location Sketch for roadway profile and track centers

<b>TRACK</b>	<b>SURFACE TYPE</b>	<b>SURFACE WIDTH</b>	<b>SURFACE CONDITION</b>
Main (N-S)	Full Depth Timber	16 Feet	Good

**ROADWAY DATA:** See Location Sketch

<b>INTERSECTING ROADS:</b>	Body Barn Road – 129 Feet West
<b>TRAFFIC CONTROL</b>	None
<b>ADT &amp; SPEED</b>	50 Vehicles Per Day @ 30 MPH (Estimated, Not Posted)
<b>TRAFFIC TYPE</b>	Passenger, Possible School Busses, Possible Hazardous Materials, Emergency Response Vehicles
<b>ADVANCE WARNING</b>	East and West
<b>PAVEMENT MARKING</b>	None

**RAILROAD DATA:** See Location Sketch

<b>FREIGHT TRAFFIC</b>	20 Per day @ 40 MPH, No Switch Movements, Day & Night
<b>PASSENGER TRAFFIC</b>	4 per day @ 50 MPH
<b>WARNING DEVICES</b>	Reflective Crossbucks

**NOTES:**



**VISIBILITY STUDY:** See Location Sketch

<b>Train Speed</b>	50	<b>MPH</b>
<b>Roadway Speed</b>	30	<b>MPH</b>
<b>Required Stopping Sight Distance (SSD)</b>		
<b>Along Roadway</b>	208	<b>FEET</b>
<b>Along Tracks</b>	478	<b>FEET</b>
<b>Required Clearing Sight Distance (CSD) (Along Tracks)</b>	1189	<b>FEET</b>

Distances calculated per American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, 2001, Fourth Edition.

<b>QUADRANT</b>	<b>CSD (FT)</b>	<b>OBSTRUCTION</b>	<b>SSD (FT)</b>	<b>OBSTRUCTION</b>
<b>NE</b>	*		*	
<b>NW</b>	*		*	
<b>SE</b>	*		*	
<b>SW</b>	*		*	

\*Note: The installation of automatic flashing light signals and gates eliminates the need to satisfy minimum Sight Distance criteria.

**APPROACH GRADES:** See Location Sketch

<b>DIRECTION: WEST</b>			<b>DIRECTION: EAST</b>		
<b>DISTANCE (FT)</b>	<b>ELEVATION (FT)</b>	<b>GRADE (%)</b>	<b>DISTANCE (FT)</b>	<b>ELEVATION (FT)</b>	<b>GRADE (%)</b>
0	100.0	---	0	100.0	---
25	100.8	+3.2	25	98.4	-6.4
50	101.0	+0.8	50	96.2	-8.8
100	102.3	+2.6	100	91.2	-10.0

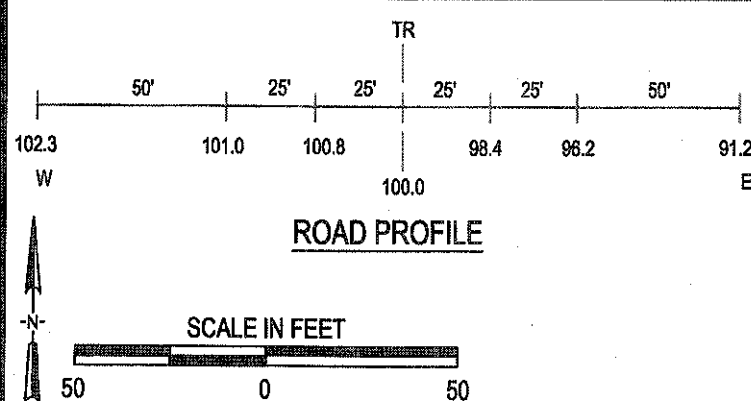
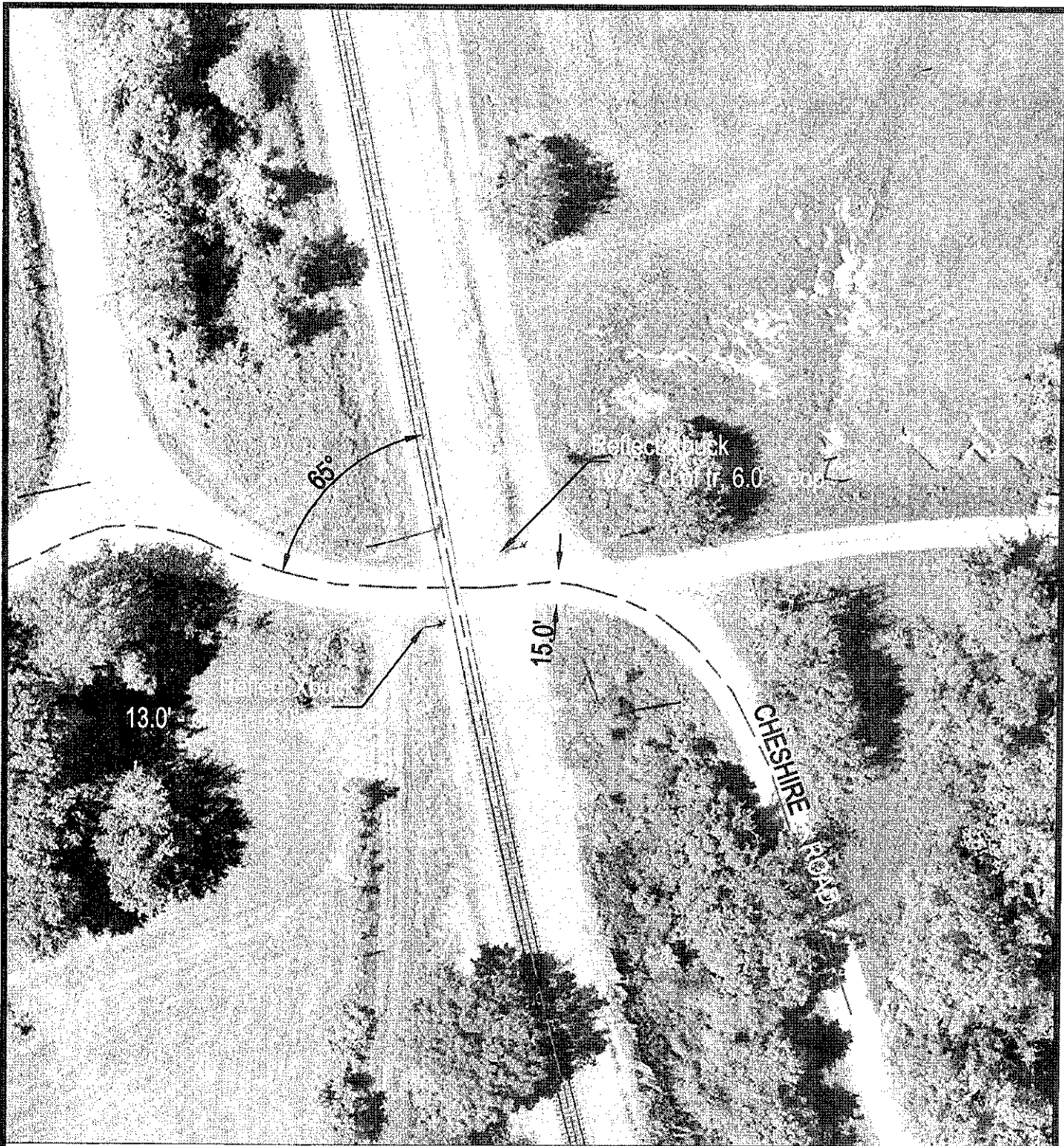
Distance measured from outermost rail.

**COMMENTS:****RECOMMENDED COST DIVISION:**

Grade Crossing Protection Fund ----- 85%  
 Illinois Central Railroad Company ----- 5%  
 Union County ----- 10%

Although the approaches do not meet the minimum requirements of 92 Illinois Administrative Code (IAC), Part 1535.204, the local topography makes the improvement of the approaches cost prohibitive. Commission staff recommends a waiver from the requirements of 92 IAC 1535.204 be granted to Union County.

See Page 3 for a Location Sketch (Aerial Photo) of the crossing.



Crossing #: 299039G  
 Location: Union Co., City of Dongola (Near)  
 Lat/Long: 37°23'49" / 89°11'23"  
 Railroad: Illinois Central Railroad Company  
 Street: Cheshire Road  
 Railroad Milepost: 334.80-M  
 Crossing Protection: Reflective Crossbucks

4 UNION\299039G\299039G.DWG 03/07/01 16:45 B.B.

ILLINOIS CENTRAL RAILROAD  
ENGINEERING DEPARTMENT  
SIGNALS AND COMMUNICATIONS

Dongola, IL

Est 1013-401

Estimated cost of Signal work to install Gates at Cheshire Road (TR 154).

Central Division

Val Sec IL-1

ITEM DESCRIPTION	QUANTITY	UNIT	UNIT COST	TOTAL COST
FAPG				
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LANDFILL	1.	LOT @	700.00	700.00
MISC.SIGNAL MATERIAL	1.	L.S. @	400.00	400.00
<u>CROSSING MATERIALS PACKAGE</u>				
GCP3000D2,80110-111-IPI	1.	EACH @	20208.00	20208.00
GCP3000D2,80110-111	1.	EACH @	18946.00	18946.00
SERIAL EVENT ANALZER/REC	1.	EACH @	2615.00	2615.00
RECORDER INTERFACE,80255	1.	EACH @	195.00	195.00
NARROW BAND SHUNT,62775-1543	3.	EACH @	523.00	1569.00
RELAY,ST 500 OHM,400004	2.	EACH @	583.00	1166.00
BIDIR SIM COUPLER,62664-285	1.	EACH @	687.00	687.00
PSO BATTERY CHOKE,7A360	2.	EACH @	253.00	506.00
ADJUSTABLE INDUCTOR,8A398-6	1.	EACH @	400.00	400.00
RECTIFIER,NRS15110,20A	2.	EACH @	455.00	910.00
RECTIFIER,NRS18120,40A	1.	EACH @	695.00	695.00
XING CONTROLLER,40A,91190	1.	EACH @	4361.00	4361.00
INTELLIGENT CURRENT SENSOR	2.	EACH @	409.00	818.00
SURGE PROTECTION	1.	LOT @	1275.00	1275.00
EQUIPMENT RACK,23"	1.	EACH @	237.00	237.00
FLX-4000 & GATE ASSY	2.	EACH @	6833.00	13666.00
ARM,EZ GATE,16-24'	2.	EACH @	721.00	1442.00
GATEKEEPER,SK-1000	2.	EACH @	1970.00	3940.00
BELL,ELECTRONIC	1.	EACH @	234.00	234.00
BATTERY,NI-CAD,240AH	29.	EACH @	217.00	6293.00
NBS ENCLOSURE	3.	EACH @	220.00	660.00
FOUNDATION,S2 4FT-6IN HI	2.	EACH @	399.00	798.00
PRE-WIRED ALUM HOUSE,6X6'	1.	EACH @	12175.00	12175.00
INSTRUMENT CASE,LOW DOUBLE	1.	EACH @	2600.00	2600.00
WIRE,2c/6,T10456	500.	FEET @	0.41	205.00
CABLE,3c/6 TECK,T10458	2200.	FEET @	2.12	4664.00
CABLE,5c/14,T02096	2200.	FEET @	0.40	880.00
CABLE,7c/6,9c/14,T12481	300.	FEET @	2.89	867.00

6-APR-2004

EXHIBIT B

PAGE 2

Dongola, IL

Est 1013-401

5 MAN GANG	8. DAY @	1100.00	8800.00
PRELIMINARY ENGINEERING	1. L.S. @	2500.00	2500.00
CONSTRUCTION ENGINEERING	1. L.S. @	275.00	275.00
CONTRACT ENGINEERING	1. L.S. @	5000.00	5000.00

## SUMMARY

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MATERIAL	104112.00 *
HANDLING 0.0610	6350.83
CROSSING SYSTEM HANDLING	3000.00
CROSSING SYSTEM WIRING	6000.00
LABOR	8800.00 *
ENGINEERING	2775.00
CONTRACT ENGINEERING	5000.00
ACCOUNTING	200.00
COMPOSITE ADD.-DIRECT LABOR 1.0706	9421.28
COMPOSITE ADD.-ENG 1.0088 -ACCT 1.0706	3013.54
SUBSISTENCE	2000.00
RENTAL OF EQUIPMENT	1600.00
POWER TAP	1500.00
CONTINGENCIES	14877.35
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TOTAL COST	168650.00

ILLINOIS COMMERCE COMMISSION  
STIPULATED AGREEMENT NO. 1098Date May 17, 2004The Union County Board  
(Board or Council of County)meeting on May 17, 2004, Resolved to authorize Bobby Toler, Jr.  
(Name, Office) Union County Engineer

to act as its designated agent in the processing of this Stipulated Agreement and that the County is financially willing and able to bear the cost for the proposed improvements as may be assigned to it according to Section 5 of this Agreement.

ATTEST: Bobby Toler, Jr.  
Bobby Toler, Jr., Union County ClerkSIGNED: Jack Erdmann  
Bill Jackson  
Jim Jueed